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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,699	12/21/2001	Richard Hatch	1076.41037X00	6928

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EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/023,699

Applicant(s)

HATCH, RICHARD

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Wells et al. (U.S. Patent Number 6,125,281).

***Regarding claim 1,*** Wells et al. discloses essentially all the claimed invention as set forth in the instant application, further Wells et al. discloses a telecommunications system and method for delivery of short message service messages to a mobile terminal in data mode, in addition Wells et al. discloses a method of operating a mobile phone network, the method comprising the steps of recording an email address in association with a mobile phone number (which reads on column 13 lines 3-26); receiving a text message addressed to said number converting the text message into an email addressed to said email address and sending the email (which reads on column 13 lines 3-33).

***Regarding claim 2,*** Wells et al. discloses everything claimed, as applied above (see claim 1) additionally, Wells et al. discloses receiving a text message redirect instruction associated with said mobile phone number (which reads on column 13 lines 3-26).

**Regarding claim 3**, Wells et al. discloses everything claimed, as applied above (see claim 2) additionally, Wells et al. discloses said redirect instruction is received from a subscriber in advance of said text message (which reads on column 13 lines 3-26).

**Regarding claim 4**, Wells et al. discloses everything claimed, as applied above (see claim 2) additionally, Wells et al. discloses redirect instruction is generated after receipt of said text message and in dependence on a non-delivery criterion relating to the unavailability of a mobile station to receive said message (which reads on column 13 lines 3-26).

**Regarding claim 5**, Wells et al. discloses everything claimed, as applied above (see claim 1) additionally, Wells et al. discloses the text message is received at a message service center and the message service center obtains gateway address data from a database in dependence on the text message's destination address (which reads on column 13 lines 3-26), the gateway address data identifying a text message to email gateway (which reads on column 13 lines 3-26).

**Regarding claim 6**, Wells et al. discloses everything claimed, as applied above (see claim 5) additionally, Wells et al. discloses gateway obtains said email address from a database in dependence on said text message's destination address (which reads on column 13 lines 3-26).

**Regarding claim 7**, Wells et al. discloses everything claimed, as applied above additionally, Wells et al. discloses a gateway apparatus for a mobile telephone network, the apparatus comprising: text message receiving means for receiving a text message (which reads column 13 lines 3-26); address obtaining means for obtaining an email address in dependence on the destination address of a text message received by the text message receiving means (which reads on column 13 lines 3-36); and email means for forming an email from the text in a

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text message received by the text message receiving means and sending it to the address obtained for it by the address obtaining means (which reads on column 13 lines 3-26).

***Regarding claim 8,*** Wells et al. discloses everything claimed, as applied above (see claim 7) additionally, Wells et al. discloses a gateway apparatus in combination with a database storing a mapping of text message destinations onto email addresses (which reads on column 13 lines 3-26), wherein the address obtaining means is configured to obtain email addresses from said mapping in said database (which reads on column 13 lines 3-26).

***Regarding claim 9,*** Wells et al. discloses everything claimed, as applied above (see claim 1) additionally, Wells et al. discloses a method of operating a mobile phone network, the method comprising the steps of: recording an email address in association with a mobile phone number; addressed to said number converting the text message into an email addressed to said email address (which reads on column 13 lines 3-26); and sending the email (which reads on column 13 lines 3-26).

***Regarding claim 10,*** Wells et al. discloses everything claimed, as applied above (see claim 9) additionally, Wells et al. discloses receiving a redirect instruction associated with said mobile phone number (which reads on column 13 lines 3-36).

***Regarding claim 11,*** Wells et al. discloses everything claimed, as applied above (see claim 10) additionally, Wells et al. discloses said redirect instruction is received from a subscriber in advance of said signal message (which reads on column 13 lines 3-36)

***Regarding claim 12,*** Wells et al. discloses everything claimed, as applied above (see claim 10) additionally, Wells et al. discloses redirect instruction is generated after receipt of

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said signal and in dependence on a non-delivery criterion relating to the unavailability of a mobile station to receive said signal message (which reads on column 13 lines 3-36).

***Response to Arguments***


2. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith   
December 6, 2005

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER